

REMARKS

No claims have been added or amended. Accordingly, claims 1-9, 12-13, and 17-28 are pending in this application. Applicant respectfully submits that the references cited in Office Action dated November 1, 2005 (hereinafter "the Office Action") do not teach each and every element of independent claims 1, 8, and 18, and thus, the claim rejections under 35 U.S.C. § 102(b) must be withdrawn.

Claims 1-7

Independent claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,840,275 to Faiola et al. (hereinafter "Faiola"). Also, independent claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,377,836 to Eisenbraun (hereinafter "Eisenbraun"). Applicant respectfully submits that neither Faiola, Eisenbraun, nor any combination thereof teaches each and every element of independent claim 1.

Faiola discloses a greeting card 10 having a clear plastic receptacle 14 having an "elongated bubble" to contain a gift, such as a rose 22. (*See* Faiola, col. 1, lines 38-40, col. 3, lines 23-24, and FIG. 1.) The receptacle 14 includes an opening that faces rearward (e.g., toward the rear panel of the greeting card 10) so as to encapsulate the rose when the card is in a closed condition. (*See* Faiola, FIG. 1.) Thus, unlike claim 1, Faiola does not disclose that a collapsible bag structure that "has an opening that faces toward the top edge of the front panel." Accordingly, Faiola does not teach each and every element of claim 1.

Eisenbraun is lacking for substantially the same reasons as Faiola. Eisenbraun discloses a blister package 12 to display merchandise and a display card 10 to provide sales literature or advertisements. (*See* Eisenbraun, col. 1, lines 31-50 and FIG. 1.) The blister package 12 includes an opening that faces rearward (e.g., toward the panels 10a and 10b of the display card 10) so as to encapsulate the merchandise when the blister package 12 is secured to the front panel. (*See* Eisenbraun, FIGS. 1 and 6.) Thus, unlike claim 1, Eisenbraun does not disclose a

collapsible bag structure that “has an opening that faces toward the top edge of the front panel.” Accordingly, Eisenbraun does not teach each and every element of claim 1.¹

Applicant respectfully submits that independent claim 1 is patentable over Faiola, Eisenbraun, and any other prior art of record. As such, claim 1 and dependent claims 2-7 are in condition for allowance.

Claims 8-9, 12-13, 17, and 28

Independent claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,840,275 to Faiola et al. (hereinafter “Faiola”). Also, independent claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,377,836 to Eisenbraun (hereinafter “Eisenbraun”). Applicant respectfully submits that neither Faiola, Eisenbraun, nor any combination thereof teaches each and every element of independent claim 8.

Faiola's receptacle 14 includes a flange 16 and locking nibs 18 that are disposed rearward of the greeting card's front panel (e.g., attached to the rear surface of the front panel). (*See* Faiola, col. 3, lines 27-36, FIG. 1.) Thus, unlike claim 8, Faiola does not disclose a retaining means that is “positioned forward of the front panel.” In addition, Faiola discloses that the locking nibs 18 are rigid enough to provide a “snap-fit” connection with the rear side of the panel. (*See* Faiola, col. 3, line 32.) Contrary to the unsupported statement in the Office Action, these locking nibs 18 are not described as “adjustable portion[s] connected at a fold line.” (*See* Office Action, page 2.) Thus, unlike claim 8, Faiola provides no description of a fold line such that the receptacle 14 is adjustable to a collapsed condition. Accordingly, Faiola does not teach each and every element of claim 8.

Again, Eisenbraun is lacking for substantially the same reasons as Faiola. Eisenbraun discloses that the blister package 12 includes a hook portion 12e that extends from a corner 12f rearwardly behind the front panel 10b. (*See* Eisenbraun, col. 3, lines 5-6 and FIGS. 2-3 (describing that “the hook portion 12e extend[s] rearwardly and behind the card portion [10b]”).)

¹ The Office Action purported to impose a definition for the term “bag” in independent claim 1 and another dependent claim. Applicant specifically does not adopt such a definition. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (stating that the words of a claim should be given their “ordinary and customary meaning” in a manner that is consistent with “the context of the entire patent, including the specification”).

Indeed, even the Office Action agrees that the hook portion 12e is part of the blister package 12. (See Office Action, page 3 (arguing that the alleged retaining means “includes” portion 12e).) Thus, unlike claim 8, Eisenbraun does not disclose a retaining means that is “positioned forward of the front panel.” Accordingly, Eisenbraun does not teach each and every element of claim 8.

Applicant respectfully submits that independent claim 8 is patentable over Faiola, Eisenbraun, and any other prior art of record. As such, claim 8 and dependent claims 9, 12-13, 17, and 28 are in condition for allowance.²

Claims 18-27

Independent claim 18 was rejected under 35 U.S.C. § 102(b) as being anticipation by publication no. WO 93/23254 to Sullivan (hereinafter “Sullivan”). Even though Sullivan discloses that container 3 is integral with the “rear” wall 4 of the greeting card 2 (page 2, lines 13-17), the Office Action indicated that the designations of “front” and “rear” in claim 18 are relative and changeable, “depending upon which way the user is holding the card.” Applicant respectfully traverses this argument, for it ignores the relative definition of the front and rear panels set forth in the previous amendment of claim 18.

Unlike independent claim 18, Sullivan does not disclose a greeting card that includes a container attached to the front panel wherein “the container has an *opening that faces toward the top edge* of the front panel, and the fold line at which the front panel and rear panel are connected is disposed proximal to *the left edge* of the front panel.” Indeed, Sullivan teaches exactly the opposite. For example, if one presumes that Sullivan’s container 3 (FIG. 1) is integral with the “front” panel (as argued by the Office Action) so that the container 3 opens toward the top edge of the “front” panel, the fold line at which the “front” panel and “rear” panel are connected is disposed along the *right edge* of the “front” panel—not proximal to the *left edge* as described in claim 18. Thus, Sullivan does not teach each and every element of claim 18, for Sullivan’s container 3 is integral with the “rear” wall 4 of the greeting card 2, not attached to the front panel. (See Sullivan, page 2, lines 13-17; FIG. 1.)

² The Office Action purported to impose a definition for the term “envelope” in dependent claim 12. Applicant specifically does not adopt such a definition. *Phillips*, 415 F.3d at 1313.

Applicant respectfully submits that independent claim 18 is patentable over Sullivan and any other prior art of record. As such, claim 18 and dependent claims 19-27 are in condition for allowance.


Indication that references have been considered

Applicant notes that two entries on the enclosed PTO Form 1449 that accompanied the information disclosure statement filed April 12, 2005 were not initialed by the Examiner. The "Pocket Bag product" and "Card in a Bag product" references were submitted as color photocopies of actual samples of a bag product. A further set of courtesy copies are enclosed. Applicant respectfully requests that the two entries be initialed on the Form 1449, indicating that the references have been considered. If further information is needed concerning these references, the Examiner is invited to contact the undersigned attorney.

No fee is believed to be due at this time. If necessary, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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